



Security Council

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S/1995/515
28 June 1995

ORIGINAL: ENGLISH

LETTER DATED 28 JUNE 1995 FROM THE CHARGÉ D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED
NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, of today's date,
from my Minister for Foreign Affairs addressed to you.

May I ask for your kind assistance in circulating this letter as a document
of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires a.i.



Annex

Letter dated 28 June 1995 from the Minister for Foreign Affairs
of the Republic of Bosnia and Herzegovina addressed to the
President of the Security Council

In our letter dated 14 June 1995 (S/1995/483) and as noted in Security Council resolution 998 (1995), we responded to and issued our sovereign consent to the deployment of the "rapid reaction capability" as a reinforcement for the United Nations Protection Force (UNPROFOR). In our previous letter of 29 March 1995 (S/1995/245) and as also noted in resolution 982 (1995), we outlined our concerns regarding the lack of implementation and erosion of the United Nations mandate in the Republic of Bosnia and Herzegovina. These concerns have not been addressed so far. In fact, there has been a continuing and accelerated erosion of the implementation of the United Nations mandate since our letter of 29 March.

Most recently, the "safe area - exclusion zone" in and around Sarajevo has been totally vacated and left unenforced by UNPROFOR in contradiction of existing Security Council resolutions and decisions of the North Atlantic Treaty Organization (NATO). This fact is all but confirmed and sanctioned in the Secretary-General's letter of 23 June 1995 to H.E. Willy Claes, Secretary-General of NATO. Furthermore, UNPROFOR, and by extension NATO, on at least two occasions refused to enforce the "no-fly zone" as specifically mandated by resolution 816 (1993). We take note that resolution 998 (1995) specifically reaffirmed the existing mandate of UNPROFOR and commitment to implement such mandate in the Republic of Bosnia and Herzegovina. We are disappointed that recent actions have not matched the words expressed therein, and have been inconsistent with the terms of resolution 998 (1995) and our consent given thereto. This lack of action has provided us with a most unfavourable impression regarding the commitment of the rapid reaction force, and overall, UNPROFOR's will to implement the relevant Security Council resolutions. Once again, this perception has been confirmed by the letter of Mr. Yasushi Akashi to the Karadzic Serbs.

Therefore, we hereby give the formal notice of our intention to review the extension of our sovereign consent to UNPROFOR in the Republic of Bosnia and Herzegovina. In this context, we formally request consultations with the Security Council, the Secretary-General and his representatives, regarding the intentions and actual measures in implementing the relevant Security Council resolutions. Furthermore, we are prepared to consider all relevant contingencies consistent with the review of our consultations.

(Signed) Muhamed SACIRBEY
Minister for Foreign Affairs



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Distr.
GENERAL

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29 June 1995

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REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF
THE ALTERNATE REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 26 June 1995 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Mr. Simon Manley has been appointed alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council.

In the opinion of the Secretary-General, the above letter constitutes adequate provisional credentials.



General Assembly
Security Council

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A/50/259
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GENERAL ASSEMBLY
Fiftieth session
Items 10 and 20 of the preliminary
list*
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION
STRENGTHENING OF THE COORDINATION
OF HUMANITARIAN AND DISASTER
RELIEF ASSISTANCE OF THE UNITED
NATIONS, INCLUDING SPECIAL
ECONOMIC ASSISTANCE

SECURITY COUNCIL
Fiftieth year

Letter dated 27 June 1995 from the Permanent Representative
of Ukraine to the United Nations addressed to the
Secretary-General

I have the honour to transmit herewith the letter of
H.E. Mr. Leonid Kuchma, President of Ukraine, concerning the problem of
sanctions and their negative effect on third countries.

I should be grateful if this letter and its annex were circulated as a
document of the General Assembly under items 10 and 20 of the preliminary list,
and of the Security Council.

(Signed) Anatoli M. ZLENKO
Permanent Representative

* A/50/50/Rev.1.

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A standard 1D barcode representing the document number 95-19424 (E) 290695.

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Annex

Letter dated 8 June 1995 from the President of Ukraine
addressed to the Secretary-General

I am pleased to continue our constructive and frank dialogue on the burning issues of international relations, which was given a new impetus during our meeting at the World Summit for Social Development in Copenhagen. In my opinion, the improvement of such a mechanism of communication facilitates a clearer definition of the problems posed by the unorthodox challenges of the transitional period in world development and the need to seek optimal approaches to their solution.

For that reason, availing myself of this opportunity, I would like as a follow-up to our latest conversation to dwell on a subject that until recently had not been an urgent problem on the agenda of the United Nations. The matter concerns the problem of sanctions, imposed by the United Nations Security Council in accordance with Chapter VII of the Charter of the United Nations and their negative impact on third countries.

In the last few years, as a result of the large-scale enforcement of mandatory economic measures as one of the instruments to settle conflicts and ensure peace, the problem of negative consequences of the sanctions in general has acquired a new dimension.

In this context, I cannot but agree with the conclusion that you have reached in the position paper "Supplement to an agenda for peace" (A/50/60-S/1995/1), that the sanctions may have a most serious impact on other countries that are the neighbours or the main economic partners of the country on which they are imposed.

Security Council sanctions applied to the Federal Republic of Yugoslavia (Serbia and Montenegro) may serve as a vivid example.

Giving due recognition to your efforts in this direction, I would like to express my opinion on the given problem and suggest some approaches as to its settlement.

As a responsible United Nations Member, Ukraine takes an active part in United Nations peace-keeping activities and considers the Security Council sanctions an inalienable and integral part of the international efforts to achieve a peaceful settlement of the crisis in the former Yugoslavia. Their strict and consistent implementation on the part of our country testifies to that.

However, as was stressed during our meeting in Copenhagen, we pay a high price for it, further aggravating the grave economic situation of a country which, on top of everything, carries the heavy burden of mitigating the tragic consequences of the Chernobyl catastrophe. In spite of the annual examination of the problem of negative aftereffects of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and the adoption of the relevant

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consensus resolutions (A/48/210, A/49/21 A), Ukraine, like the other Danube riparian States, remains faced with this difficult problem.

Such a situation testifies to the fact that, unfortunately, not all the Charter requirements and principles are, in fact, implemented in full and on time. This concerns, first and foremost, Article 49 of the Charter, which states that "the Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council". The Council imposes sanctions on behalf of the whole international community, therefore all its members should shoulder the burden of responsibility for their implementation. In this connection we support your idea expressed in the "Supplement to an agenda for peace" concerning the fact that the losses incurred by imposing sanctions alongside other similar losses should be covered in a just proportion, not only by neighbours or main economic partners of the country in question on which sanctions are imposed, but by all Member States.

The overall negative impact of sanctions on certain regions and countries is so great that solving this problem requires the political will of Member States. It also depends on concerted bilateral and multilateral measures on behalf of the international community. In my opinion, under these circumstances, the United Nations could become a chief coordinator of activities in this field.

The urgent necessity to aid countries in solving their special economic problems is actually recognized by all, including yourself in the above-mentioned position paper. However, in my view, it is insufficient. There is a need for bold and concrete proposals and adequate steps by the international community as a whole as well as individual countries.

In this respect it would be useful to employ the indisputably high authority of the United Nations and your personal influence to encourage the implementation of the following measures towards settling this complex problem:

(a) Opening of special credit lines by international financial institutions to render direct financial assistance to third countries to support technical projects carried out in those countries;

(b) Introduction by the donor countries, on a bilateral and multilateral basis, of trade preferences for third countries, including promotion of their exports;

(c) Donor country support, on a bilateral and multilateral basis, of investments in the economies of third countries, special preference being given to the spheres that sustain direct losses from the sanctions.

There is also an urgent need to consider again establishing an effective mechanism based on Article 50 of the Charter to solve special economic problems, which would include the establishment of a voluntary compensation fund. The question of reducing by United Nations methodology the countries' dues for financing peace-keeping operations by the amount of losses those countries suffer from observing the sanctions regime also requires further consideration.

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A/50/259
S/1995/517
English
Page 4

The time has come to consider the creation of a standing Security Council sanctions committee. It could be charged with the responsibility of estimating the losses the States have already suffered, conducting research on the economic and socio-political consequences of sanctions, coordinating measures to minimize those aftereffects on the most vulnerable population groups and third countries and also controlling their strict observance.

Presenting to your kind attention the above-mentioned proposals, I hope that the United Nations will take an initiative and effectively assist in the settlement of the problems that arise in this connection. Otherwise, we may face a clear danger of undermining the trust of United Nations Member States in sanctions and violating the principle of collective responsibility for taking enforcement measures on behalf of the United Nations.

(Signed) Leonid D. KUCHMA



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Security Council

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GENERAL ASSEMBLY
Fiftieth session
Item 92 of the preliminary list*
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 28 June 1995 from the Permanent Representative of Croatia
to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 28 June 1995 from the Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia, Dr. Mate Granić, addressed to you (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly under item 92 of the preliminary list and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

* A/50/50/Rev.1.



ANNEX

The Government of Croatia is extremely alarmed and concerned by the latest developments in the "Federal Republic of Yugoslavia (Serbia and Montenegro)" and by the direct implications and consequences of these developments for the occupied territories of Croatia. The degree of involvement of the Belgrade regime on behalf of their proxies in Croatia and the level of its intervention in the occupied territories of Croatia has increased in a significant way recently, and in the last few days in particular. Your Special Representative, Mr. Yasushi Akashi, was informed of this matter of critical importance on 26 June 1995 in Zagreb.

The related developments in the "Federal Republic of Yugoslavia (Serbia and Montenegro)" and the occupied territories of Croatia constitute (i) unauthorized direct military intervention by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" across an international border of a sovereign State, in violation of the Charter of the United Nations and relevant Security Council resolutions; (ii) a continuation of a policy of occupation pursued by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in violation of General Assembly resolution 49/43 of 9 December 1994; (iii) a violation by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" of the border blockade established by the Security Council in its resolution 943 (1994) of 23 September 1994 and reaffirmed by the Council in its resolution 988 (1995) of 21 April 1995; and (iv) a grave breach of international humanitarian law by the "Federal Republic of Yugoslavia (Serbia and Montenegro)", which amounts to a war crime.

The Government of Croatia has already documented in several letters (S/1995/229, S/1995/401 and A/50/229) that the "Army of Yugoslavia" is actively engaged in Croatia by sending matériel from Serbia and Montenegro to the occupied territories; by directing the paramilitary units in the occupied territories through about 6,000 Belgrade-commissioned officers sent to these territories for that purpose; by paying the wages of those officers and of other members of the proxy government and military; and by forcibly mobilizing citizens of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" and ethnic Serb citizens of Croatia and Bosnia and Herzegovina for military service in the occupied territories of Croatia.

The forcible mobilization is proceeding on a large scale. As at 14 June 1995, over 4,500 mobilized men were transferred against their will while a further 500 volunteers were also transported to the occupied territories of Croatia. The transfer of military personnel from Serbia and Montenegro, across the territory of the Republic of Bosnia and Herzegovina, under the control of Bosnian Serbs, is a direct violation of Security Council resolutions 752 (1992) of 15 May 1992, 820 (1993) of 17 April 1993, 871 (1993) of 4 October 1993, 943 (1994) and, in particular, 988 (1995). The soldiers are being transported in vehicles provided by the "Army of Yugoslavia", across the Serbia/Bosnia border at Rača, since 14 June 1995, and have been entering the occupied territories of Croatia at Dvor since 15 June 1995. The mobilization in Serbia and Montenegro and reinforcement of the paramilitary forces in the occupied territories is expected to continue. The majority of those mobilized in Serbia and Montenegro and sent to Croatia are civilians, but a significant number of the conscripts

are members of the special forces of the "Army of Yugoslavia". Some are also sent to Bosnia and Herzegovina.

According to the information available to the Government of the Republic of Croatia, the primary goal of the Belgrade authorities in this regard is to use the transferred special units of the "Army of Yugoslavia" to strengthen further and reinforce their stronghold in the area of Slunj in Croatia, and thereby secure the occupation of this region, as well as to amass considerable forces for further engagements in the strategically important region of Bihać in Bosnia and Herzegovina, a Security Council declared "safe area".

As additional evidence of the direct and increasing involvement of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in Croatia, I should like to draw your attention to the fact that the commander of the Serb paramilitary forces in Croatia, Lt. General Mile Mrkšić, prior to his present assignment, served as Assistant Chief of the General Staff of the "Army of Yugoslavia", and was responsible for its special forces. Lt. General Mrkšić was also the "JNA" officer responsible for the siege of Vukovar. Moreover, only during the month of June 1995 the following other senior "Army of Yugoslavia" commissioned officers were assigned for duty in the occupied territories of Croatia:

1. Colonel Slobodan Tarbuk from the "Army of Yugoslavia" Kragujevac corps transferred to the 39th corps of the so-called "Army of the Republic of Serbian Krajina (RSK)" in Petrinja, Croatia, on 9 June 1995.
2. Lt. Colonel Vučeković from the "Army of Yugoslavia", transferred to the 11th corps of the so-called "Army of RSK" in Croatia on 23 June 1995.
3. Colonel Uroš Despotović from the "Army of Yugoslavia" transferred to the 70th paramilitary infantry brigade of the so-called "Army of RSK" in Plaški, Croatia, in June 1995.
4. Colonel Milivojević from the "Army of Yugoslavia", transferred to the 70th paramilitary infantry brigade of the so-called "Army of RSK" in Plaški, Croatia, in June 1995.
5. Lt. Colonel Miloš Cvjetičanin from the "Army of Yugoslavia" transferred to the 2nd armoured brigade of the so-called "Army of RSK" in Croatia in June 1995.
6. Colonel Milorad Stupar from the "Army of Yugoslavia" Pančevo special units corps transferred to the paramilitary special forces of the so-called "Army of RSK" corps in Croatia in June 1995.

Furthermore, on 13 June 1995, two "Army of Yugoslavia" tank units totalling 26 M-84 main battle tanks operated by the "Army of Yugoslavia" 211th armoured brigade, were sent from Niš, Serbia, across the border with Bosnia and Herzegovina, and deployed in Slunj, in the occupied territories of Croatia in sector Glina. On 12 June 1995, one unit of armoured personnel carriers (APCs) consisting of 10 vehicles operated by the "Army of Yugoslavia" second motorized brigade was sent from Valjevo, Serbia, across the border with Bosnia and

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Herzegovina, and deployed in the same region in Croatia, at Banovina. In addition, on 19 June 1995, the "Army of Yugoslavia" supplied equipage for two Mi-8 rotary-wing aircraft located at the Udbina airport in the occupied territories, sector Knin, through the territory of Bosnia and Herzegovina.

I would also like to inform you that as at May 1995 a total of 320 Serb paramilitary troops remain in the zone of separation, in violation of the 29 March 1994 cease-fire agreement and Security Council resolution 994 (1995) of 17 May 1995. Of these, 70 are in sector "Vukovar", 50 in sector "Glina", and 200 in sector "Knin". On 22 June 1995, two new platoons of paramilitary personnel were deployed in the zone of separation in the vicinity of Kasić, in sector "Knin", directly threatening the civilian traffic on the Zadar-Maslenica highway, and, on 23 June 1995, two additional platoons of paramilitary personnel were deployed in the zone of separation near Osijek. The transfer of soldiers from Serbia and Montenegro may have contributed to a troop build-up in the zone of separation.

The aforementioned facts clearly indicate that the Croatian Serb paramilitary forces are a proxy of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" - organized, equipped, controlled, trained and commanded by the "Army of Yugoslavia". The government in Belgrade must therefore be held fully accountable for conducting open military intervention against a United Nations Member State and occupying parts of the sovereign territory of that State.

In this regard, the Government of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" must also be held accountable for grave breaches of international humanitarian law. The forcible mobilization of ethnic Serb citizens of the Republic of Croatia into paramilitary units which are hostile to their country of citizenship, and in which the authorities of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" are involved, represents a grave breach of the Fourth Geneva Convention of 1949, article 51, and is a war crime (1945 London Agreement).

The blatant violation of international humanitarian law and violation of relevant United Nations resolutions, in particular Security Council resolution 988 (1995), by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" cannot be condoned. My Government hereby submits that the above information should be fully addressed in the upcoming Security Council review of the suspended sanctions regime pursuant to resolution 988 (1995). The Government of Croatia is of the firm view that the above-cited developments constitute a serious breach of resolution 988 (1995), and, therefore, the suspended parts of the sanctions regime must be reinstituted without delay. The Government of Croatia is also of the view that the Council should consider, with utmost urgency, and condemn in the strongest terms the most recent acts of interference by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in the internal affairs of Croatia, and take appropriate measures in the spirit and the letter of General Assembly resolution 49/43 and Security Council resolutions 871 (1994) and 994 (1995). The condoning of this serious border violation and silence

A/50/260
S/1995/518
English
Page 5

about Belgrade's intervention in Croatia would be a very serious set-back for the situation in the occupied territories of Croatia and for the peace process in the region in general.

(Signed) Mate GRANIĆ



Security Council

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29 June 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 26 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to my letter of 1 June 1995 (S/1995/441), I have the honour to inform you that United States Navy vessels on station in the Arabian Gulf are continuing to engage in acts of provocation against ships bound for Iraqi ports. At 1100 hours on 12 May 1995, after the pilot had boarded the tug Dunay when it arrived at the pilot station seeking to enter the Shatt al-Arab in order to take under tow one of the ships stranded there since 1980, a United States frigate intercepted the vessel and forced it to return to the inspection point. At 2100 hours it returned to the pilot station. At 1100 hours on 13 May the pilot conducted the vessel to Basra, where it dropped anchor close to the Iranian inspection point in order to submit to search. On 15 May, after the search had been completed, it weighed anchor at 0600 hours, headed for Basra and arrived at Abu al-Fulus at 1600 hours.

Such actions confirm the deliberate hostility of the United States Government towards Iraq, and its persistence in causing provocation in Iraq's territorial waters has the purpose of creating pretexts for the actions it seeks to take against Iraq.

I request you to intervene, as required by the responsibility entrusted to you under the Charter of the United Nations, in order to prevent any repetition of these unwarranted actions that do nothing to serve the cause of peace, security and stability in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative





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29 June 1995
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ORIGINAL: ARABIC

LETTER DATED 28 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry out reconnaissance and cause provocation continued over the period 11-20 June 1995.

11 June 1995

1. Northern region: 15 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Aqrah, Tall Afar, Zakho and Amadiyah.
2. Southern region: 52 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Basra, Qurnah, Busayyah, Jalibah, Artawi and Chabaish.
3. On 11 June 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0856 hours and left in the direction of Kuwait at 1055 hours.

The second flight entered Iraqi airspace at 1147 hours and left in the direction of Kuwait at 1345 hours.

12 June 1995

1. Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar, Zakho and Amadiyah.
2. Southern region: 45 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Qurnah, Nasiriyah, Samawah, Salman, Jalibah, Artawi and Busayyah.

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3. On 12 June 1995, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0917 hours and left in the direction of Kuwait at 1044 hours.

The second flight entered Iraqi airspace at 1039 hours and left in the direction of Kuwait at 1227 hours.

The third flight entered Iraqi airspace at 1315 hours and left in the direction of Kuwait at 1417 hours.

13 June 1995

1. Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Dohuk, Irbil, Amadiyah, Mosul and Tall Afar.

2. Southern region: 28 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Artawi, Nasiriyah, Qurnah, Qal'at Salih, Samawah and Busayyah.

14 June 1995

1. Northern region: 19 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar, Aqrah, Zakho and Amadiyah.

2. Southern region: 42 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Busayyah, Jalibah, Shanafiyah and Artawi.

3. On 14 June 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0915 hours and left in the direction of Kuwait at 1028 hours.

The second flight entered Iraqi airspace at 1200 hours and left in the direction of Kuwait at 1320 hours.

15 June 1995

1. Northern region: 9 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Shaqlawah and Zakho.

2. Southern region: 41 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Jalibah, Artawi and Busayyah.

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3. On 15 June 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0900 hours and left in the direction of Kuwait at 1100 hours.

The second flight entered Iraqi airspace at 1200 hours and left in the direction of Kuwait at 1355 hours.

16 June 1995

1. Northern region: 11 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Mosul, Dohuk, Aqrah and Ayn Zalah.

2. Southern region: 49 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Artawi, Jalibah, Nasiriyah, Qurnah, Qal'at Salih and Shatrah.

3. On 16 June 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0720 hours and left in the direction of Kuwait at 0840 hours.

The second flight entered Iraqi airspace at 1050 hours and left in the direction of Kuwait at 1207 hours.

17 June 1995

1. Southern region: 40 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Chabaish, Jalibah, Busayyah and Artawi.

2. On 17 June 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0855 hours and left in the direction of Kuwait at 1050 hours.

The second flight entered Iraqi airspace at 1218 hours and left in the direction of Kuwait at 1355 hours.

18 June 1995

1. Southern region: 46 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Basra, Nasiriyah, Samawah, Salman, Jalibah and Shanafiyah.

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2. At 1550 hours on 18 June 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in the southern region. It left in the direction of Kuwait at 1713 hours.

19 June 1995 .

1. Northern region: 21 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Dohuk, Mosul, Aqrah, Irbil, Tall Afar and Amadiyah.
2. Southern region: 116 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Qurnah, Chabaish, Samawah, Busayyah, Jalibah and Artawi.

20 June 1995

1. Northern region: 21 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Aqrah, Tall Afar, Zakho and Amadiyah.
2. Southern region: 99 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Chabaish, Qurnah, Busayyah, Jalibah and Artawi.
3. At 1005 hours on 20 June 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in the southern region. It left in the direction of Kuwait at 1214 hours.
4. At 2130 hours on 20 June 1995, a formation of hostile aircraft dropped 10 heat flares on the village of Suwayf in the Saddamiyat al-Qurnah district.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative



Security Council

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S/1995/521
29 June 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 788 (1992) of 19 November 1992, 813 (1993) of 26 March 1993, 856 (1993) of 10 August 1993, 866 (1993) of 22 September 1993, 911 (1994) of 21 April 1994, 950 (1994) of 21 October 1994, 972 (1995) of 13 January 1995, and 985 (1995) of 13 April 1995,

Having considered the report of the Secretary-General dated 10 June 1995 (S/1995/473), on the United Nations Observer Mission in Liberia (UNOMIL),

Emphasizing that the people of Liberia bear the ultimate responsibility for achieving peace and national reconciliation,

Commending the positive role of the Economic Community of West African States (ECOWAS) in its continuing efforts to restore peace, security and stability in Liberia,

Welcoming the recent summit meeting of Heads of State and Government of the Committee of Nine on Liberia of the Economic Community of West African States, in Abuja, Nigeria from 17 to 20 May 1995,

Noting that a further concerted and harmonized effort by all concerned, including the ECOWAS States, would be helpful to advance the peace process,

Concerned that the Liberian parties have so far failed to install the Council of State, re-establish an effective cease-fire and take concrete steps towards the implementation of the other provisions of the Accra Agreement,

Deeply concerned also at the continuing inter- and intra-factional fighting in parts of Liberia, which has further worsened the plight of the civilian population, particularly in rural areas, as well as affected the ability of humanitarian agencies to provide relief,

Calling on the Liberian factions, especially the combatants, to respect the human rights of the civilian population and to respect international humanitarian law,



Expressing great concern over the continued flow of arms into Liberia in violation of Security Council resolution 788 (1992),

Commending also those African States that have contributed troops to the ECOWAS Monitoring Group (ECOMOG), and those Member States that have provided assistance in support of the peace negotiations and the peace-keeping forces, including contributions to the Trust Fund for Liberia,

1. Welcomes the report of the Secretary-General dated 10 June 1995;
2. Stresses that continued international community support for the peace process in Liberia, including the continued presence of UNOMIL, is contingent on immediate actions by the Liberian parties to peacefully resolve their differences and achieve national reconciliation;
3. Decides to extend the mandate of UNOMIL until 15 September 1995;
4. Urges that the Liberian parties use this period to make serious and substantial progress towards implementation of the Akosombo and Accra Agreements (S/1994/1174 and S/1995/7) and specifically to accomplish the following steps:
 - (a) Installation of the Council of State;
 - (b) Re-establishment of a comprehensive and effective cease-fire;
 - (c) Disengagement of all forces;
 - (d) Creation of an agreed timetable and schedule for the implementation of all other aspects of the agreements, in particular the disarmament process;
5. Declares its intention, after consideration of the report of the Secretary-General, that UNOMIL's mandate would not be renewed by the Security Council on 15 September 1995, unless the steps in paragraph 4 above are complied with by that date;
6. Declares its readiness if significant progress in the peace process in Liberia regarding the steps in paragraph 4 above is achieved by 15 September 1995 to consider restoring UNOMIL to its full strength with appropriate adjustment of its mandate and the relationship with ECOMOG to enable these two operations to carry out their respective functions more effectively as well as to consider other aspects of post-conflict peace-building in Liberia;
7. Urges the ECOWAS Ministers of the Committee of Nine as authorized by their Heads of State and Governments at the Abuja Summit of 17 to 20 May 1995, to reconvene a meeting of the Liberian parties and political leaders as soon as possible in order to finally resolve the outstanding issues of political settlement;
8. Urges Member States in the meantime to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia, and by providing financial, logistical and other assistance in support of the troops participating in ECOMOG in order to enable it to deploy

fully and to carry out its mandate, particularly with respect to encampment and disarmament of the Liberian factions;

9. Requests the Secretary-General in this regard, to continue his efforts to obtain financial and logistical resources from Member States and urges those States that have pledged assistance to fulfil their commitments;

10. Reminds all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) and to bring all instances of violations of the arms embargo before the Committee established pursuant to resolution 985 (1995);

11. Reaffirms the continued necessity for ECOMOG and UNOMIL to cooperate in fulfilling their respective mandates and to this end urges ECOMOG to enhance its cooperation with UNOMIL at all levels to enable the mission to discharge its mandate;

12. Urges ECOMOG in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement (S/26272), to take necessary action to provide security for UNOMIL observers and civilian staff;

13. Demands once more, that all factions in Liberia strictly respect the status of ECOMOG and UNOMIL personnel, as well as organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by applicable rules of international humanitarian law;

14. Commends the efforts made by Member States and humanitarian organizations in providing emergency humanitarian assistance and especially those of neighbouring countries in assisting Liberian refugees;

15. Urges the Organization of African Unity to continue its collaboration with ECOWAS in promoting the cause of peace in Liberia;

16. Expresses its appreciation to the Secretary-General and his Special Representative for their tireless efforts to bring peace and reconciliation to Liberia;

17. Requests the Secretary-General to continue, as described in his report, to review the level of personnel of UNOMIL, to adapt the practical implementation of the mandate and to report as appropriate;

18. Requests the Secretary-General to report to the Security Council before 15 September 1995 on the situation in Liberia;

19. Decides to remain seized of the matter.



Security Council

Distr.
GENERAL

S/1995/522
29 June 1995

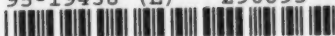
ORIGINAL: ENGLISH

LETTER DATED 28 JUNE 1995 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE SUDAN TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to forward to Your Excellency, the attached letter from H.E. Dr. Ghazi Salahuddin Attabani, the Minister of State in the Ministry of Foreign Affairs of the Republic of the Sudan.

I request Your Excellency, to kindly circulate the attached letter as a document of the Security Council.

(Signed) Hamid Ali ELTINAY
Chargé d'affaires a.i.



Annex

[Original: Arabic]

Letter dated 26 June 1995 from the Minister of State in
the Ministry of Foreign Affairs of the Sudan addressed
to the President of the Security Council

It is with deep regret and serious alarm that the Government of the Republic of the Sudan has to inform you, in your capacity as current President of the Security Council, that a meeting was held in Asmara, capital of Eritrea, from 12 to 23 June 1995 that was organized, hosted and sponsored by the President of Eritrea and by the ruling party, the People's Front for Democracy and Justice; that representatives of self-styled Sudanese opposition factions and of the rebel movement in the southern Sudan took part in that meeting; and that the objective of the meeting was to promote the overthrow of the Government of the Republic of the Sudan by armed force. Section II of the final communiqué adopted, entitled "Programme and mechanisms to escalate the struggle to overthrow the National Islamic Front regime", contains the following stipulations:

1. The legitimacy of the armed force used by the factions of the National Democratic Coalition in order to overthrow the regime, in accordance with the mechanisms agreed upon;
2. The provision of the necessary support;
3. The formation of a Supreme Political and Military Committee to coordinate and oversee the implementation of programmes to escalate the struggle; and the endorsement by the meeting of all the recommendations made by an ad hoc technical committee concerning arrangements of a security-related and military nature for the transitional period.

It is absurd for the Government of Eritrea to go on repeating its allegations that the Sudan is trying to undermine the stability of the countries of the region without producing any evidence whatsoever that this is so. On the other hand, the public actions of the Asmara Government do indeed reveal the true character of Isaias Afwerki and his manoeuvrings to destabilize and overthrow the Government of the Sudan, thus engaging in conduct that deserves the condemnation of the international community.

That this gathering was held under the auspices and sponsorship of a neighbouring country that is a Member of the United Nations and of the Organization of African Unity (OAU) constitutes a flagrant violation of Article 2 of the Charter of the United Nations and article 3 of the OAU Charter, which require that the principles of sovereignty, peaceful coexistence, non-interference in the internal affairs of States, the peaceful settlement of disputes and non-resort to force in the resolution of conflicts should be respected and upheld.

That this meeting was held with the participation in its deliberations of foreign Powers, as represented by the ambassadors of the United States of America and Israel, poses a direct threat to the security, sovereignty and territorial integrity of the Sudan and represents interference in its internal affairs. This also sets a dangerous precedent for inter-African relations that may lead to a further deterioration in the security and stability of the continent and thus threaten international peace and security.

The encouragement given by Eritrea to secessionist tendencies masquerading as self-determination, as is the case in the Asmara communiqué, is in clear violation of the resolutions adopted in 1964 by the OAU Assembly of Heads of State and Government on the retention by the African States of the boundaries inherited by them on independence.

The Government of the Sudan, which has constantly demonstrated by word and by deed its full commitment to the maintenance of good relations with all countries and to respect for their sovereignty and non-interference in their internal affairs, regards participation in this meeting, whether direct or indirect, as a hostile act against the Government and people of the Sudan, as a serious threat to the security and national unity of the country and as an unfriendly policy that is incompatible with the diplomatic norms governing relations between States. Lastly, the Government of the Sudan asks all countries to refrain from interfering in the internal affairs of the country and calls upon the international community to ensure that there is no recurrence of such conduct on the part of Eritrea.

The Government of the Sudan would be grateful if you would have this letter circulated to all States Members of the United Nations as a document of the Security Council. At the same time, it reserves its full right as a Member of the Organization to bring this grave matter before the Council at any future time it may deem appropriate.

(Signed) Ghazi Salahuddin ATTABANI
Minister of State
in the Ministry of Foreign Affairs



Security Council

Distr.
GENERAL

S/1995/523
30 June 1995
ENGLISH
ORIGINAL: ENGLISH AND
FRENCH

Argentina, Botswana, Czech Republic, France, Germany,
Honduras, Italy, Russian Federation, United Kingdom
of Great Britain and Northern Ireland and United
States of America: draft resolution

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995 and 995 (1995) of 26 May 1995,

Recalling the Secretary-General's report of 19 May 1995 (S/1995/404),

Welcoming the work of the mission of the Council undertaken from 3 to 9 June 1995 under the terms of reference set out in the note of the President of the Council of 30 May 1995 (S/1995/431),

Having considered the report of 21 June 1995 (S/1995/498) of the mission of the Security Council,

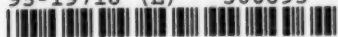
Committed to reaching a just and lasting solution of the question of Western Sahara,

Concerned that the parties' continuing suspicion and lack of trust have contributed to delays in the implementation of the Settlement Plan (S/21360 and S/22464 and Corr.1),

Noting that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

Taking note of the letter dated 23 June 1995 from the Secretary-General of the Polisario Front to the President of the Security Council (annexed to document S/1995/524),

Taking note of the letter dated 26 June 1995 from the Prime Minister and Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco to the President of the Security Council (S/1995/514),



Urging the parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara (MINURSO) to ensure prompt and full implementation of the Settlement Plan,

Noting that, in his report of 19 May 1995, the Secretary-General has outlined benchmarks for assessing progress on certain aspects of the Settlement Plan, including the code of conduct, the release of political prisoners, the confinement of Polisario troops and arrangements for the reduction of Moroccan troops in the Territory in conformity with the Settlement Plan,

Noting also that the mission of the Council has provided recommendations for moving forward on the identification process and other aspects of the Settlement Plan and stressing the need for the identification process to be carried out in accordance with the relevant provisions set out therein, in particular in paragraphs 72 and 73 of the Settlement Plan, as well as in the relevant resolutions of the Security Council,

1. Welcomes the report of the Secretary-General on the situation concerning Western Sahara of 19 May 1995 and the report of the mission of the Security Council to Western Sahara of 21 June 1995;

2. Reiterates its commitment to holding, without further delay, a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the Settlement Plan which has been accepted by the two parties stated above;

3. Expresses its concern that, given the complexity of the tasks to be performed and the continuing interruptions caused by the two parties, implementation of the Settlement Plan has been further delayed;

4. Calls upon the two parties to work with the Secretary-General and MINURSO in a spirit of genuine cooperation to implement the Settlement Plan in accordance with the relevant Council resolutions;

5. Stresses the need for the parties to refrain from any actions that hinder the implementation of the Settlement Plan, calls upon them to reconsider recent relevant decisions with a view to establishing confidence, and in this regard requests the Secretary-General to make every effort to persuade the two parties to resume their participation in the implementation of the Settlement Plan;

6. Endorses the Secretary-General's benchmarks described in paragraph 38 of his report of 19 May 1995;

7. Endorses also the recommendations of the mission of the Council concerning the identification process and other aspects of the Settlement Plan, described in paragraphs 41 to 53 of its report of 21 June 1995;

8. Requests the Secretary-General to report by 10 September 1995 on the progress achieved in accordance with paragraphs 5 and 6 above;

/...

9. Expects to be able, on the basis of the report requested in paragraph 7 above, to confirm 15 November 1995 as the start of the transitional period, to allow the referendum to take place early in 1996;

10. Decides to extend the mandate of MINURSO until 30 September 1995 as recommended by the Secretary-General in his report of 19 May 1995;

11. Decides also to consider the possible extension of the mandate of MINURSO after 30 September 1995 on the basis of the Secretary-General's report requested in paragraph 7 above and in the light of progress achieved in accordance with paragraphs 5 and 6 above towards the holding of the referendum and the implementation of the Settlement Plan;

12. Requests the Secretary-General, in addition to the reports called for in paragraph 48 of the report of the Security Council mission, to keep the Council fully informed of further developments in the implementation of the Settlement Plan for the Western Sahara during this period, in particular of any significant delays in the pace of the identification process or other developments that would call into question the Secretary-General's ability to set the start of the transitional period on 15 November 1995;

13. Decides to remain seized of the matter.



Security Council

Distr.
GENERAL

S/1995/524
29 June 1995

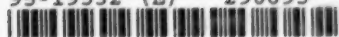
ORIGINAL: ENGLISH

LETTER DATED 29 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF
HONDURAS TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to request that on an exceptional basis the attached letter addressed to the President of the Security Council, which was transmitted to the members of the Council by the President of the Council on 23 June 1995, be issued as a document of the Security Council.

(Signed) Gerardo MARTINEZ BLANCO
Ambassador
Permanent Representative

95-19532 (E) 290695 290695 300695



/...

Annex

[Original: French]

New York, 23 June 1995

Sir,

I have the honour to transmit to you the text of a letter addressed to you by Mr. Mohamed Abdelaziz, President of the Saharan Arab Democratic Republic (SADR) and Secretary-General of the Frente POLISARIO.

LETTER DATED 23 JUNE 1995 FROM THE PRESIDENT OF THE SAHARAN
ARAB DEMOCRATIC REPUBLIC ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

"Sir,

Since the visit to the region of the Security Council mission, two events have particularly shocked and stunned Saharans. These are:

1. The appearance before a military court of eight Saharan civilians and the imposition on them, following a trial that was as unfair as it was brief, of heavy sentences ranging from 15 to 20 years' non-suspended imprisonment. Their 'crime' was taking part in a peaceful rally for Western Saharan independence.
2. The announcement made to the Security Council mission by the Moroccan authorities that they intend to have 100,000 Moroccan settlers take part in the voter-identification operation.

Mr. President,

The Frente POLISARIO vigorously condemns both of these infamies, which constitute a blatant violation of the spirit and the letter of the settlement plan and seriously shake the confidence of Saharans in the ongoing process for its implementation.

The Frente POLISARIO rises up in protest against such action on the part of the Moroccan colonial authorities and condemns the leniency and impunity with which they are treated.

Faced with this dire situation, the Saharan authorities decide to suspend their participation in the current identification operation and, accordingly, to recall all Saharan observers until credibility is restored to the peace process by means of:

His Excellency Detlev Graf zu Rantzau
President of the Security Council
United Nations, New York

/...

1. The immediate release of all political prisoners arrested since the deployment of MINURSO in the Territory, and particularly the eight Saharan civilians sentenced by a Moroccan court on 21 June 1995;
2. The halting of the campaign of repression and of all retaliatory acts directed against the Saharan population living in the Moroccan-occupied areas of Western Sahara, as well as respect for the fundamental freedoms of this population;
3. Termination of the operation to move foreigners into the Territory, strict compliance with the terms of the settlement plan relating to identification and, to this end, strict monitoring of the northern border of Western Sahara, which is the main source of all danger.

Mr. President,

The Saharan people has no other aspiration than to exercise its right to self-determination and independence and to live once again in peace. The Frente POLISARIO has made every possible concession and sacrifice imaginable with a view to the full implementation of the peace plan as accepted by POLISARIO.

POLISARIO cooperation with the United Nations has been full and sincere to date. A prompt and effective response by the United Nations consistent with our legitimate requests set out above will without a doubt dispel current concerns and create an atmosphere conducive to understanding, cooperation and, consequently, to the smooth continuation of the process.

Bir Lahlou, 23 June 1995

Mohamed Abdelaziz
President of the Saharan Arab
Democratic Republic
Secretary-General of the
Frente POLISARIO"

I should like to request that you bring the contents of this letter to the attention of the members of the Security Council.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Boukhari Ahmed
Representative of the
Frente POLISARIO



General Assembly
Security Council

Distr.
GENERAL

A/49/930
S/1995/525
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

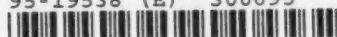
SECURITY COUNCIL
Fiftieth year

Letter dated 29 June 1995 from the Chargé d'affaires, a.i.
of the Permanent Mission of Bosnia and Herzegovina to the
United Nations addressed to the Secretary-General

I have the honour to present to you the attached letter, dated
26 June 1995, from H.E. Mr. Kresimir Zubak, President of the Federation of
Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in circulating this letter as a document
of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires, a.i.



Annex

Letter dated 26 June 1995 from the President of the Federation of
Bosnia and Herzegovina addressed to the Secretary-General

Please allow me this opportunity, as President of the Federation of Bosnia and Herzegovina, to express my deepest concern to you about the continuing and evident interference of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the internal affairs of Bosnia and Herzegovina, as well as its active participation in the serial aggression against an internationally recognized country and a State Member of the United Nations.

According to reports from the field, news agencies, United Nations military observers as well as European Union observers, Yugoslav authorities have over the past few weeks been transporting troops and delivering military equipment onto the territory of Bosnia and Herzegovina. The statements of Yugoslav military officials lead to the conclusion that these activities are coordinated and conducted in concert with the political authorities in Belgrade.

Allow me to remind you that massive violations of international humanitarian law and of conventions about the status of refugees and displaced persons occur regularly in Yugoslavia, particularly in the context of State-sponsored forced conscription of young male refugees and displaced persons from Bosnia and Herzegovina. The active participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in and its support of aggression against the sovereign and independent State of Bosnia and Herzegovina is impermissible.

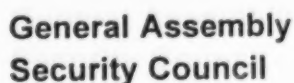
I must insist that the Organization that you are at the head of is obliged consistently to respect its own resolutions decided at the highest levels. Further indolence and ineffective engagement will lead to an escalation of the conflict with crushing consequences for the people of Bosnia and Herzegovina as well as for the credibility of the United Nations as a whole.

As a representative of the legal and legitimate authority of Bosnia and Herzegovina, I request your urgent intervention. Stalling only reduces the possibility for the resumption of the political process in the context of the Contact Group plan and all other peace initiatives of the international community.

We expect your organization consistently to respect all relevant resolutions of the Security Council and to define precisely the mandate of the United Nations Protection Force (UNPROFOR) and the additional rapid reaction force in Bosnia and Herzegovina.

Above all, I feel that there is a crucial need to increase pressure on Yugoslavia (Serbia and Montenegro), as well as for the strict enforcement of economic sanctions and their eventual tightening in the event of the continuation of such practices.

Kresimir ZUBAK



A/50/264
S/1995/526
29 June 1995

ORIGINAL: ENGLISH

SECURITY COUNCIL
Fiftieth year

I do not deem it necessary to detain you with a detailed answer to the letter addressed to you by the Permanent Representative of Turkey (A/50/256-S/1995/505) in reply to mine dated 9 June 1995 (A/50/216-S/1995/476), for the simple reason that Mr. Batu's letter fully confirms the point that I brought to your attention with regard to the recent resolution adopted by the Turkish National Assembly, namely, that Turkey has once more violated the fundamental principle enshrined in the Charter of the United Nations that calls for restraint from the threat or use of force in international relations, and to which Turkey has subscribed, thus assuming the obligation to uphold it as a State Member of the Organization.

This persistent Turkish practice is openly and defiantly admitted by the Permanent Representative of Turkey, who maintains in his letter that there are bilateral differences between Greece and Turkey on the issue of the Aegean Sea, while making it very clear, at the same time, in unequivocal and threatening terms, that his country is determined to protect its rights and interests through all possible means.

I leave it to your judgement and to that of the other Members of the United Nations, to appreciate Turkey's commitment to international law and order and to respect of its own signature.

* A/50/50/Rev.1.

95-19544 (E) 300695 030795

1. ...

A/50/264
S/1995/526
English
Page 2

As regards the assurances given by Mr. Batu that Turkey does not harbour any designs or territorial ambitions against Greece or any of its neighbours and without going into any historic retrospection that would give ample and eloquent proof of Turkey's traditional performance in the broader area of the Balkans and the Middle East, suffice it to recall the notorious contemporary case of the military invasion and ongoing occupation of Cyprus.

I would like to request that this letter be circulated as a document of the General Assembly under items 39, 75 and 81 of the preliminary list, and of the Security Council.

(Signed) Christos G. ZACHARAKIS
Permanent Representative



General Assembly
Security Council

Distr.
GENERAL

A/49/931
S/1995/527
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN
PRINCIPAL ORGANS: ELECTION
OF A MEMBER OF THE INTERNATIONAL
COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Memorandum by the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 6	2
II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE	7	3
III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL	8 - 21	3



I. INTRODUCTION

1. By a letter dated 27 February 1995, the President of the International Court of Justice, pursuant to Article 13, paragraph 4, of the Statute of the Court, transmitted to the Secretary-General, Judge Sir Robert Yewdall Jennings' letter of resignation dated 15 February 1995. In his letter, Sir Robert Jennings gave notice of resignation as a member of the Court, the resignation to take effect on 10 July 1995. Thus, a vacancy in the Court will occur on 10 July 1995.
2. Judge Sir Robert Jennings became a member of the Court on 6 February 1982 and was re-elected as from 6 February 1991. His term of office would have ended on 5 February 2000. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nomination have to be made at least three months before the date of the election which is, pursuant to Article 14, to be fixed by the Security Council.
3. By a note dated 20 March 1995 addressed to the Security Council, the Secretary-General referred to Judge Sir Robert Yewdall Jennings' letter of resignation and drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice (S/1995/209). Pursuant to article 14 of the Statute of the Court, the Security Council decided by resolution 980 (1995) of 22 March 1995 that the election to fill the vacancy should take place on 12 July 1995, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session. The General Assembly at its 99th meeting, held on 31 March 1995, decided to reopen consideration of agenda item 15 (c) (A/49/861 and A/49/PV.99).
4. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 3 April 1995, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 21 June 1995. A list of the nominations received by that date and the curriculum vitae of the candidates received are transmitted in separate documents to the General Assembly and the Security Council (A/49/932-S/1995/528 and A/49/933-S/1995/529, respectively). The name of the candidate will appear on the ballot papers to be distributed during the election.
5. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Sir Robert Yewdall Jennings will thus serve until 5 February 2000.
6. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

/...

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

7. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice-President: Mr. Stephen M. Schwebel (United States)*

Judges: Shigeru Oda (Japan)**
Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)***
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)*
Andrés Aguilar Mawdsley (Venezuela)***
Christopher Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***
Geza Herczegh (Hungary)**
Shi Jiuyong (China)**
Carl-August Fleischhauer (Germany)**
Abdul G. Koroma (Sierra Leone)**
Vladlen S. Vereshchetin (Russian Federation)*
Luigi Ferrari Bravo (Italy)* 1/

* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2003.

*** Term of office expires on 5 February 2000.

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

8. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

1/ Elected by the General Assembly and the Security Council on 21 June 1995 to serve the remainder of Judge Ago's term of office.

/...

9. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not Members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

10. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Art. 8 of the Statute).

11. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

12. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Art. 10, para. 1, of the Statute).

13. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all the Member States, together with the two non-member States mentioned in paragraph 9 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitute an absolute majority in the Assembly for the purpose of the Court election.

14. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

15. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

16. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. This decision has been followed consistently.

17. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

18. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

19. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

20. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

21. If, however, after the third meeting the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.



General Assembly
Security Council

Distr.
GENERAL

A/49/932
S/1995/528
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN
PRINCIPAL ORGANS: ELECTION OF A
MEMBER OF THE INTERNATIONAL COURT
OF JUSTICE

SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 3 April 1995, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the resignation of Judge Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland) taking effect on 10 July 1995, which will result in a vacancy in the Court. In the same communication, the Secretary-General, in accordance with Article 5, paragraph 1, of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 21 June 1995.
2. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the name of the candidate thus nominated by the national groups (see annex).
3. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/931-S/1995/527. The curriculum vitae of the candidate appears in document A/49/933-S/1995/529.



Annex

List of candidates nominated by national groups

<u>Name and nationality</u>	<u>Nominated by the national group of</u>
Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)	Austria Belgium Canada China Ecuador France Germany Hungary India Italy Japan Netherlands New Zealand Poland Russian Federation Slovakia Sweden United Kingdom of Great Britain and Northern Ireland United States of America



General Assembly
Security Council

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COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Curriculum vitae of candidate nominated by national groups

Note by the Secretary-General

CONTENTS

	<u>Page</u>
I. INTRODUCTION	2
II. CURRICULUM VITAE	2
HIGGINS, Rosalyn	2



I. INTRODUCTION

The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a casual vacancy in the International Court of Justice caused by the resignation of Judge Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland). The name of the candidate nominated for this election has been circulated in document A/49/932-S/1995/528. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/931-S/1995/527.

II. CURRICULUM VITAE

Rosalyn HIGGINS QC

1. Personal

Born 1937; married; one daughter, one son

2. Education

BA (Cantab) 1st Class	1959
LL.B (Cantab) 1st Class	1962
JSD (Yale)	1962
MA (Cantab)	1962
Minor Scholar, Girton College, Cambridge	1957
Major Scholar, Girton College, Cambridge	1958
Campbell Scholarship for Professional Studies	1957
Montefiore Award for academic and general distinction	1958
Bryce-Tebbs Scholar, Cambridge	1958
Commonwealth Fund (Harkness) Fellowship	1959-1961
Graduate Fellow, Yale Law School	1959-1961

3. Brief career résumé

Professor of International Law, University of London	1981-present
Professor of International Law, University of Kent at Canterbury	1978-1981
Visiting Fellow, London School of Economics	1974-1978
Staff specialist in international law, Royal Institute of International Affairs	1963-1974
Junior Fellow in international studies, London School of Economics	1961-1963
Visiting Fellow, Brookings Institution, Washington, D.C.	1960
United Kingdom interne, Office of Legal Affairs, United Nations	1958

Delivered general course on international law at the Hague Academy of International Law	1991
Queen's Counsel	1986
Bencher, Inner Temple	1989
Member, Institut de droit international	1987
Member, Committee on Human Rights under the International Covenant on Civil and Political Rights	1984-present
Special Rapporteur for new cases	1989-1991
Chairman, Public International Law Advisory Board, British Institute for International and Comparative Law	1992-present
Hon. Vice-President of the American Society of International Law	1993

4. Prizes and awards

Rockefeller Foundation Fellowship	1961
British Academy Award	1977-1978
Vols. I and II of <u>United Nations Peacekeeping</u> , received the 1971 Certificate of Merit of the American Society of International Law	
Honorary Doctorate of University of Paris XI	1980
Wolfgang Friedman Medal for services to International Law, Columbia University	1985
Ordre des Palmes Académiques	1988
Honorary Life Membership Award, American Society of International Law	1992
Honorary Doctorate of University of Dundee	1992

5. Editorial

Board of Editors of the American Journal of International Law (1975-1985)
British Yearbook of International Law
Journal of Energy and Natural Resources Law

6. Practice in international law

Queen's Counsel and Bencher of the Inner Temple, practising in public international law and petroleum law. Practice in the English courts and before various international tribunals, including the International Court of Justice, the European Court of Human Rights and the Court of the European Communities

Counsel for the International Tin Council in a series of cases in the United Kingdom

Counsel in the following cases in the International Court of Justice:

Territorial Dispute (Libyan Arab Jamahiriya/Chad)
Case Concerning East Timor (Portugal y Australia)

Question of Interpretation and Application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie (Libyan Arab Jamahiriya v United Kingdom)
Case concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

President, Tribunal of the International Centre for Settlement of Investment Disputes (Amco v Indonesia). Award published in 89 ILR 552-661

6. Publications

(a) Books

The Development of International Law through the Political Organs of the United Nations (Oxford University Press (OUP) for the Royal Institute of International Affairs (RIIA), 1963)

Conflict of Interests: International Law in a Divided World (Bodley Head, 1965)

The Administration of the United Kingdom Foreign Policy through the United Nations (Syracuse University Press, 1966)

UN Peacekeeping: Documents and Commentary

Vol. I Middle East (OUP for RIIA, 1969)

Vol. II Asia (OUP for RIIA, 1970)

Vol. III Africa (OUP for RIIA, 1980)

Vol. IV Europe (OUP for RIIA, 1981)

Law in Movement - Essays in Memory of John McMahon (joint ed. with James Fawcett) (OUP for RIIA, 1974)

The Taking of Property by the State, Hague Lectures in International Law (1983)

Liberté de Circulation des Personnes en Droit International (joint ed. with Maurice Flory) (Economica, Paris, 1988)

International Law and the Avoidance, Containment and Resolution of Disputes, (General Course on Public International Law, Recueil des cours, vol. 230 (1991-V)

Problems and Process: International Law and How We Use It (OUP, 1994)

(b) Other writings

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"Policy and Impartiality: The Uneasy Relationship in International Law", International Organisation, vol. XXXIII (1969)

"The UN and Lawmaking: The Political Organs", Paper, Proceedings, American Society of International Law (1970)

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"The Role of Resolutions of International Organisations in the Process of Creating Norms in the International System", Coexistence 24 (1987) (1-2), p. 9.

"Contending Systems of World Public Order and International Law", Atlantic Community Quarterly, Summer 1987

(ii) United Nations law

International Action and Domestic Jurisdiction (chap., Penguin Books, 1964)

"Internal War and International Law" (chap., vol. III, The Future of the International Legal Order, eds. Falk and Black, Princeton UP)

"The Development of International Law through the Political Organs of the UN", Proceedings, American Society of International Law (1965)

"Some observations in the current literature on the United Nations", International Affairs (1965)

"International Law, Rhodesia and the United Nations", The World Today (March 1967)

"The June War: the United Nations and Legal Background", Journal of Contemporary History (July 1968)

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Chapter in Compliance with the Decisions of International Organisations (Oceana/Sijthoff, 1971) - "Compliance with the UN Decisions on Peace and Security"

"International Law and the UN System", in The Study of International Affairs, Essays in Honour of Kenneth Younger (1972)

The Interpretation of International Organisation by Western Scholars (commissioned by the United Nations Educational, Scientific and Cultural Organization)

"Institutional Modes of Conflict Management", in Moore, Tipson & Turner, National Security Law, pp. 193-307

"The Advisory Opinion on Namibia: which UN Resolutions are Binding Under Article 25 of the Charter?" International and Comparative Law Quarterly (January 1972)

"The New United Nations: Appearance and Reality", The Josephine Onoh Memorial Lecture 1993 (University of Hull Press 1993)

"The New United Nations and Yugoslavia", 69 International Affairs (1993) 465

"The EC and the New United Nations", European University Institute Working Paper RSC No. 94/7, European University Institute, 1994

(iii) The use of force

"Legal Limits to the Use of Force by States: UN Practice", British Year Book of International Law, XXXVII (1961) 269-319

"United Nations Peacekeeping: Political and Financial Problems", The World Today (August 1965)

Certain chapters in Bowett, United Nations Forces (1965) "International Law and Civil Conflict" (The International Regulation of Civil Conflict, ed. Luard)

"United Nations Peacekeeping: Past Lessons and Future Prospects", David Davies (1971)

"A General Assessment of United Nations Peacekeeping", in United Nations Peacekeeping (ed. A. Cassesse, Sijthoff 1978)

"Intervention and International Law", in H. Bull (ed.) Intervention in World Politics (1994)

(iv) State and diplomatic immunities

"Recent Developments in the Law of Sovereign Immunity in the United Kingdom", 71 American Journal of International Law (AJIL) (1977) 423

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(v) Human rights

"Human Rights of Soviet Jews to Leave, Violations and Obstacles", International Affairs (1965)

"Legal Aspects of the Helsinki Agreement", in After Belgrade (publication of United Kingdom Monitoring Group, under the chairmanship of Lord Thompson of Moncrieff)

"Damages for Violations of Human Rights", in Sims (ed.), Explorations in Ethics and International Relations

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(vi) International petroleum law

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Report for the Institut de droit international on Liability of Member States for the Defaults of International Organizations, pending
